

Proposed Zoning Ordinance Amendment

Ordinance No. 2017-12-01

**AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE AND MAP OF WINDSOR TOWNSHIP, YORK COUNTY, PENNSYLVANIA, BY REZONING REAL PROPERTY FROM LOW DENSITY RESIDENTIAL (R-1) TO GENERAL COMMERCIAL (C-1).**

WHEREAS, the Windsor Township Board of Supervisors has reviewed the provisions of the Official Zoning Ordinance of Lower Windsor Township relative to the Low Density Residential (R-1) and General Commercial zones.

WHEREAS, the Board of Supervisors believes that the rezoning contemplated by this Ordinance is in the best interests of the health, safety, and welfare of the residents of Windsor Township.

WHEREAS, the Board of Supervisors believes the real property identified as Parcel ID 53000HJ0098G000000, Lot No. 2, should be rezoned from Low Density Residential (R-1) to General Commercial (C-1).

NOW, THEREFORE, be it ordained and enacted that the following amendment be made to the Windsor Township Zoning Ordinance of 2013, as amended, and official Zoning Map, as follows:

**SECTION 1. Property Rezoned.** The Real Property identified as Parcel ID 53000HJ0098G000000, Lot No. 2, should be rezoned from Low Density Residential (R-1) to General Commercial (C-1).

**SECTION 2. Invalidity.** In the event any provision, section, sentence, or clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence, clause or part of this Ordinance, it being the intent of the Borough that such remainder shall remain in full force and effect.

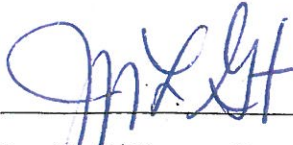
**SECTION 3. Public Purpose.** It is declared that enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the residents of the Borough.

**SECTION 4. Effective Date.** This Ordinance shall become effective five (5) days following passage.

**SECTION 5. Repealer.** All ordinances or parts of ordinances inconsistent herewith are expressly repealed to the extent of such inconsistency.

ENACTED AND ORDAINED, this 18<sup>th</sup> day of December 2017.

ATTEST:



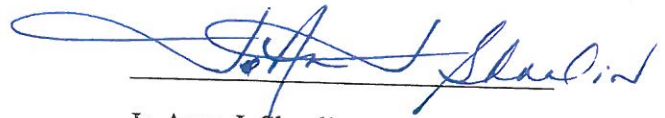
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Jennifer L. Gunnet, Secretary

WINDSOR TOWNSHIP BOARD  
OF SUPERVISORS

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Dean L. Heffner, Chairman



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Jo Anna J. Shovlin



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Rodney L. Sechrist

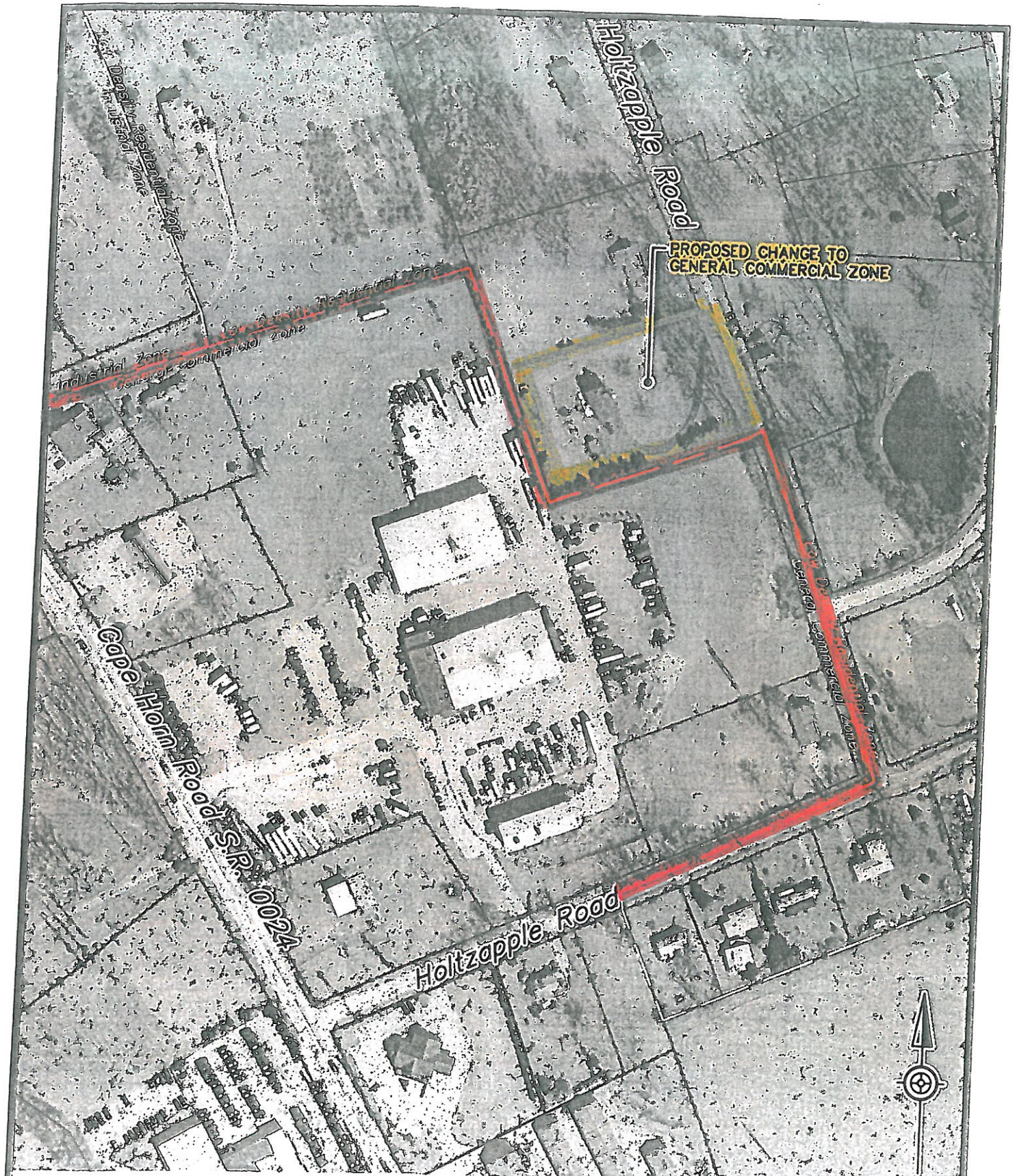
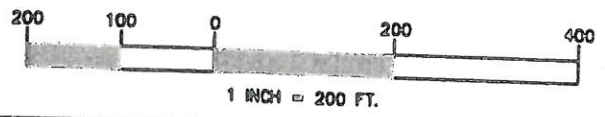
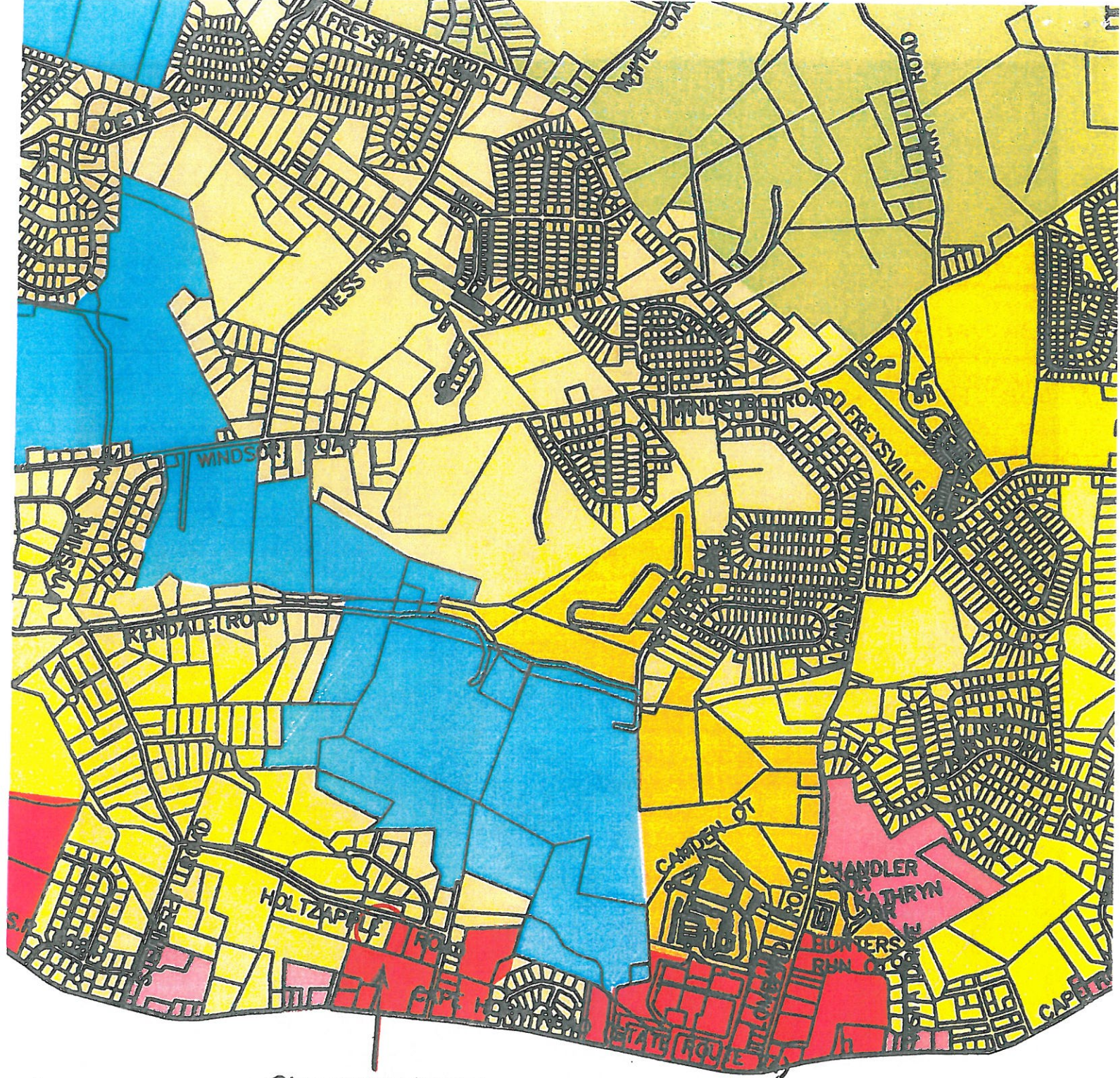


EXHIBIT "A"

240 HOLTZAPPLE RD

UPI: 53-000-HJ-0098.JO-00000





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• 240 HOLTZAPPEL

## LEGEND

 AGRICULTURAL (A) ZONE

WINDSOR TOWNSHIP  
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2018-06-01

**AN ORDINANCE AMENDING THE WINDSOR TOWNSHIP ZONING ORDINANCE OF 2013, ADOPTED JANUARY 7, 2013, AS AMENDED, BY ADDING DEFINITIONS TO SECTION 112 FOR DECK AND PATIO AND AMENDING THE DEFINITIONS FOR IMPERVIOUS SURFACE AND LOT COVERAGE.**

NOW THEREFORE, be enacted and ordained by the Windsor Township Board of Supervisors that the following amendments be made to the Windsor Township Zoning Ordinance of 2013.

**SECTION 1.** Section 112; "Definitions" are amended and modified to add and/or modify the following:

**Deck** – A roofless, floored structure

**Patio** – An improvement intended for outdoor use constructed on an aggregate base, set on or near ground level.

**Impervious Surface** – A surface composed of any material which impedes or prevents the natural infiltration of water into the soil. Such surfaces include all concrete, asphalt, stone and gravel surfaces. These include, but are not limited to, streets and parking areas, driveways, sidewalks, patios, and structures which cover the land. Decks shall not be considered impervious surfaces provided that they are not covered with a roof or awning, are not constructed above a patio or other impervious surface, and are constructed such that rainwater can drain freely between regularly spaced gaps in the decking material. Decks that do not meet all of the criteria listed above shall be considered impervious surfaces. Any surface stormwater management controls installed in excess of those required shall be considered an impervious surface, excluding vegetative/mulched surfaces.

**Lot Coverage** – A percentage of the lot area which is covered with buildings, driveways, parking areas, patios, decks, sidewalks and similar improvements regardless of it being considered a pervious or impervious surface.

**SECTION 2.** This Ordinance shall not affect the remaining provisions of the Windsor Township Ordinance of 2013, which provisions remain in full force and effect.

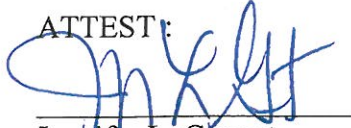
**SECTION 3.** Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity

of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.


**SECTION 4.** This Ordinance shall become effective five (5) days after enactment.

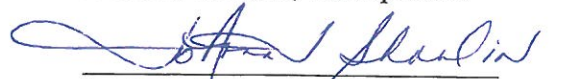
ENACTED AND ORDAINTED this <sup>18<sup>th</sup></sup> day of June, 2018.

ATTEST:

  
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Jennifer L. Gunnet

WINDSOR TOWNSHIP  
BOARD OF SUPERVISORS

  
\_\_\_\_\_  
Dean L. Heffner, Chairperson

  
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Jo Anna J. Shovlin, Vice Chairperson

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Rodney L. Sechrist

**WINDSOR TOWNSHIP  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2019-08-01**

**AN ORDINANCE AMENDING THE WINDSOR TOWNSHIP ZONING ORDINANCE OF 2013, ADOPTED JANUARY 7, 2013, AS AMENDED, BY AMENDING THE DEFINITIONS IN SECTION 112 FOR DAY-CARE, DAY-CARE COMMERCIAL, DAY-CARE FAMILY, DAY-CARE GROUP, STRUCTURE, ACCESSORY AND NET ACRE(AGE) AND ADDING A DEFINITION FOR NURSERY/GARDEN CENTER; AMENDING SECTION 427.2 TO REMOVE SETBACK REQUIREMENTS; AMEND SECTIONS 211.2 AND 220.2 TO INCLUDE MUNICIPAL SERVICES AND PUBLIC UTILITIES STRUCTURES; ADD SPECIAL EVENTS AS A SPECIAL EXCEPTION TO RURAL RESIDENTIAL, LOW DENSITY RESIDENTIAL, MEDIUM DENSITY RESIDENTIAL, NEIGHBORHOOD COMMERCIAL, GENERAL COMMERCIAL AND INDUSTRIAL ZONES; AMEND TYPOGRAPHICAL ERROR IN SECTION 210.2.11; AMEND TABLE 311.18 TO SHOW SELF STORAGE; AMEND TABLE 450.12 MAXIMUM PERMITTED IMPERVIOUS LOT COVERAGE; AMEND SECTION 303.1 SETBACK MODIFICATION; AMEND SECTION 204.2 TO ALLOW NONCOMMERCIAL KEEPING OF LIVESTOCK**

NOW THEREFORE, be enacted and ordained by the Windsor Township Board of Supervisors that the following amendments be made to the Windsor Township Zoning Ordinance of 2013.

**SECTION 1.** Section 112.3; “Definitions” are amended and modified to add and/or modify the following:

**Day-Care** – The offering of care or supervision over minors or special needs adults who are not related to the provider in lieu of care or supervision by family members at a home other than their own. This definition does not include the offerings of overnight accommodations.

**Day-Care, Commercial** – A day-care facility that is a primary commercial use and is licensed by the Commonwealth of Pennsylvania.

**Day-Care, Family** – A day-care facility that is operated as an accessory use to a detached single-family dwelling that is licensed by the Commonwealth of Pennsylvania and offers care and supervision to four (4), five (5), or six (6) different persons during any calendar day. The above figures exclude the provider’s children.

**Day-Care, Group** – A day-care facility that is operated as an accessory use to a detached single-family dwelling that is licensed by the Commonwealth of Pennsylvania and offers care and supervision to seven (7) to twelve (12) different persons during any calendar day.

**Structure, Accessory** – For other than agricultural uses, a subordinate structure located on the same lot as the principal use, and clearly incidental and subordinate to the principal use; including, but not limited to, private garages, utility buildings, tool sheds, etc. Any portion of the principal building devoted or intended to be devoted to an accessory use is not an accessory building. In the case of a “pre-built” and/or a “pre-fabricated” structure, to be used as an accessory structure, the unit/structure shall not have been a unit/structure “titled” for use under the Pennsylvania Motor Vehicle Code, Commonwealth of Pennsylvania. To be considered independent, multiple accessory structures must maintain a minimum of three (3) foot separation distance.

**Net Acreage** – The land area of a development upon which permitted density is calculated. Such area expressly excludes existing and/or proposed:

- Public/private right-of-way;
- Public/private easements;
- Public/private streets;
- Eighty (80) percent of floodplains;
- One hundred (100) percent of wetlands;
- One hundred (100) percent of severely steep slopes;
- Twenty-five (25) percent of moderately steep slopes.

**Nursery/Garden Center** – A facility used for the propagation and retail sales of agricultural or ornamental plants and related products as its primary business.

**SECTION 2.** Section 427.2 Group Day-Care Facilities is hereby amended as follows:

An outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);

**SECTION 3.** Section 211.2; General Commercial Zone Permitted Uses is hereby amended as follows:

1. Agricultural (excluding large scale livestock and/or commercial produce operations);
2. Amusement arcades;
3. Banks and similar financial institutions;
4. Convenience stores (without automobile filling stations);
5. Horticultural and Timber Harvest uses, subject to the standards listed in Section 201 and/or Section 322 of this Ordinance;
6. Laboratories;



7. Municipal services and/or public utilities structures, as associated with essential services, subject to the applicable design standards listed in Section 201.5 of this Ordinance;
8. Offices;
9. Personal Customer Service business;
10. Parks and playgrounds;
11. Places of Worship and related uses;
12. Restaurants and taverns (not including drive-thru or fast-food restaurants or nightclubs);
13. Retail sales and/or services (including auto parts stores, without installation) with a gross floor area of less than twenty thousand (20,000) square feet;
14. Shops for contractors of plumbing, heating, air conditioning, electrical, roofing, flooring, glass and windows, insulation, carpentry, cabinet making, excavating (including service or repair of heavy equipment if conducted within a completely enclosed building, excluding outdoor equipment storage exceeding a continuous 72 hours), and other structural components of buildings;
15. Theaters and auditoriums;
16. Veterinary Offices; and

**SECTION 4.** Rural Residential (R-R) Zone; Section 202.3 is hereby amended as follows:

10. Special Events (See Section 453);
11. Temporary Accessory Dwelling Unit (See Section 455);

**SECTION 5.** Low Density Residential (R-1) Zone; Section 203.3 is hereby amended as follows:

7. Special Events (See Section 453);
8. Temporary Accessory Dwelling Unit (See Section 455);

**SECTION 6.** Medium Density Residential (R-2) Zone; Section 204.4 is hereby amended as follows:

10. Special Events (See Section 453);
11. Temporary Accessory Dwelling Unit (See Section 455);

**SECTION 7.** Neighborhood Commercial (C-N) Zone; Section 210.3 is hereby amended as follows:

4. Special Events (See Section 453);

**SECTION 8.** General Commercial (C-1) Zone; Section 211.3 is hereby amended as follows:

26. Special Events (See Section 453);

**SECTION 9.** Industrial (I) Zone; Section 220.3 is hereby amended as follows:

- 16. Special Events (See Section 453);
- 17. Spent mushroom compost processing and/or commercial mushroom operations (See Section 454);
- 18. Truck stops or motor freight terminals (See Section 456); and
- 19. Warehousing and wholesale trade establishments (See Section 457);

**SECTION 10.** Section 210.2.11 is hereby amended as follows:

- 11. Existing Residential uses and existing residential accessory structures. New stand-alone residential uses are not permitted. Expansion of existing residential structures is permitted provided that such expansion meets all applicable dimensional requirements.

**SECTION 11.** Section 311.18; Commercial Uses table is hereby amended as follows:

Type of Use	Minimum of One Parking Space for Each
<b>COMMERCIAL USES</b>	
Automobile repair, filling and washing facilities	400 square feet of gross floor area devoted to repair and service facilities in addition to areas normally devoted to automobile storage plus one per employee on major shift
Automobile, boat, and trailer sales	500 square feet of gross floor area
Convenience stores	100 square feet of gross floor area
Drive-thru and/or fast-food restaurants	Two seats and one per each two employees
Food markets and grocery stores	125 square feet of gross floor area plus one per each employee on two largest shifts
Funeral homes	100 square feet of gross floor area, one per each employee, and one per each piece mobile equipment, such as hearses and ambulances
Furniture sales	500 square feet of gross floor area
Hotels, motels, tourist homes Bed and Breakfast	Guest sleeping room and one per each employee on two largest shifts. (Restaurants and other accessory uses shall be viewed separately)
Self-Storage	Per each 25 units plus one per 250 square feet of office space, plus two per any resident manager
Office Buildings	300 square feet of gross floor area
Professional offices of veterinarians, physicians, dentists, etc.	Six spaces per each physician or dentist, etc.
Personal Customer Service Business	200 square feet of gross floor area plus one per each employee on the two largest shifts.
Retail stores or shops (except those listed above)	200 square feet of gross floor area and one per each employee on two largest shifts.
Restaurants	Four seats plus one per each employee on largest shift
Shopping centers or malls	See Section 450.
Other commercial buildings	400 square feet of gross floor area

**SECTION 12.** Section 450.12; Required Minimum Setbacks table is hereby amended as follows:

Use	Minimum Required Lot Area	Minimum Required Lot Width	Required Minimum Setbacks			Minimum Required Setback From Residential Zone	Maximum Permitted Impervious Lot Coverage
			Front, as Measured from Street R.O.W.	Side	Rear		
Shopping center, as defined herein, with between 20,000 & 100,000 square feet of gross floor area	<u>C-1 Zone</u> 6 acres	300 ft. at the building setback line & street line	35 ft. for buildings & structures (except permitted signs); 25 ft. for off-street loading, nor dumpsters are permitted within the front yard.	30 ft. for buildings & structures (except permitted signs); 20 ft. for off-street parking & loading spaces & dumpsters	30 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters	75 ft. for buildings, structures, off-street loading, dumpsters; 50 ft. for off-street parking	70%
Shopping center, as defined herein, with over 100,000 square feet of gross floor area.	<u>C-1 Zone</u> 17 acres	500 ft. at the building setback line & street line	100 ft. for buildings & structures (except permitted signs); 40 ft. for off-street parking; no off-street loading, nor dumpsters are permitted with the front yard.	40 ft. for buildings & structures (except permitted signs); 25 ft. for off-street parking & loading spaces & dumpsters	40 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters	100 ft. for buildings, structures, off-street loading & dumpsters; 50 ft. for off-street parking	70%

**SECTION 13.** Section 303.1 is hereby amended as follows:

**Front Setback of Buildings on Built-up Streets** – Where at least two (2) adjacent buildings within one hundred (100) feet of a property are set back a lesser distance than that required, the average of the lesser distances becomes the required minimum front setback for the property. However, in no case shall the setback line be less than twenty-five (25) feet from any abutting street right-of-way line; and,

**SECTION 14.** Section 204.2.12; Medium Density Residential Zone Permitted Uses is hereby amended as follows:

- E. The noncommercial keeping of livestock, subject to the standards of Section 201.2.9.E., except that within this Zone, the site shall be a minimum of five (5) net acres.

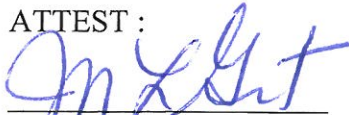
**SECTION 15.** This Ordinance shall not affect the remaining provisions of the Windsor Township Ordinance of 2013, which provisions remain in full force and effect.

**SECTION 16.** Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

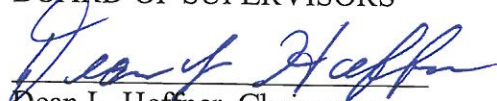
**SECTION 16.** This Ordinance shall become effective five (5) days after enactment.

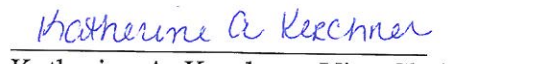
ENACTED AND ORDAINED this 19 day of August, 2019.

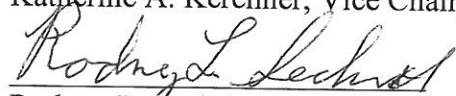
ATTEST :

  
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Jennifer L. Gunnet

WINDSOR TOWNSHIP  
BOARD OF SUPERVISORS

  
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Dean L. Heffner, Chairperson

  
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Katherine A. Kerchner, Vice Chairperson

  
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Rodney L. Sechrist